

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK CITY TRANSIT AUTHORITY,

Plaintiff,

-V-

EXPRESS SCRIPTS, INC.,

Defendant.

19-CV-5196 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

Attached to this Order are the notes sent by the jury to the Court during deliberations (Court Exhibits 1-3) and the jury's verdict form (Court Exhibit 4).

The Clerk of Court is directed to terminate ECF No. 273, to enter judgment in favor of Defendant and consistent with the jury's verdict, and to close the case.

SO ORDERED.

Dated: March 23, 2023
New York, New York


JESSE M. FURMAN
United States District Judge

Court Exhibit 1

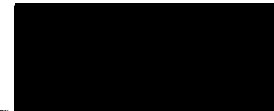
JURY NOTE

For Blake Stockwell's testimony, the jury requests
Stockwell's dialogue/testimony when council discussed the
claims processing procedure when presenting the demonstrative.

We would request the claims processing demonstrative
too if accessible.

Date: 3/22/23

Time: 2:23pm

A black rectangular box redacting the signature of the foreperson.

Foreperson's signature

JURY NOTE

Can we see the portion of Stodewell's
testimony that discusses how ESI identified
to kick out the 11 pharmacies who processed
claims for the NYETA?

Date: 3/22/23

Time: 4:07 pm

A black rectangular redaction box covering the signature of the foreperson.

Foreperson's signature

Court Exhibit 3

JURY NOTE

The jury has a Verdict.

Date: 3/23/23

Time: 10:04am

A black rectangular box redacting the signature of the foreperson.

Foreperson's signature

-----X

NEW YORK CITY TRANSIT AUTHORITY,

Plaintiff,

-v-

EXPRESS SCRIPTS, INC.,

Defendant.

-----X

VERDICT FORM

Your Answer(s) Must Be Unanimous

- ☒ YES ☐ NO

- YES ☒ NO

- YES ☒ NO

[If you answer NO to all three of the above questions, skip the remaining questions and proceed directly to sign the Verdict Form. If you answer YES to any one of the three above questions, proceed to Question 4 on the next page.]

New York City Transit Authority v. Express Scripts, Inc.
No. 19-CV-5196 (JMF)
Verdict Form

4. Did the Transit Authority prove, by a preponderance of the evidence, that it performed its own obligations under the contract?

☒ YES

NO

[If you answer NO to Question 4, skip the remaining questions and proceed directly to sign the Verdict Form. If you answer YES to Question 4, proceed to Question 5.]

5. Did the Transit Authority prove, by a preponderance of the evidence, that it suffered damages as a result of Express Scripts's breach of the contract?

YES

☒ NO

[If you answer NO to Question 5, skip the remaining questions and proceed directly to sign the Verdict Form. If you answer YES to Question 5, proceed to Question 6.]

6. What is the amount of damages you award the Transit Authority?

\$ _____

7. Did Express Scripts prove, by a preponderance of the evidence, that the Transit Authority failed to mitigate (that is, use reasonable efforts to reduce or avoid) its damages?

YES

NO

[If you answer NO to Question 7, skip the remaining question and proceed directly to sign the Verdict Form. If you answer YES to Question 7, proceed to Question 8.]


8. By what amount should the damages specified in Question 6 be reduced?

\$ _____

Please review your answers to all of the Questions above to ensure that they accurately reflect your unanimous determinations. When you have done so, sign your names on the next page, fill in the date and time, and inform the Court Security Officer — with a note, not the Verdict Form itself — that you have reached a verdict.

New York City Transit Authority v. Express Scripts, Inc.
No. 19-CV-5196 (JMF)
Verdict Form


After completing the form, each juror who agrees with this verdict must sign below:



Foreperson
















Date and time: 3/23/23